

**FENWICK & WEST LLP**

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TEL 415.875.2300 | FAX 415.281.1350 | WWW.FENWICK.COM

**FACSIMILE TRANSMISSION****CONFIDENTIAL**

DATE: August 4, 2004

CLIENT-MATTER NO.: 23546-08072
Client Ref. No. BIOL0002US

To:

| NAME | FAX NO. | PHONE NO. |
|--------------------------------|----------------|-----------|
| Commissioner for Patents, OIPE | (703) 746-4060 | |

FROM: Susan T. Hubl

PHONE: (415) 875-2316

NUMBER OF PAGES WITH COVER PAGE: 12

ORIGINAL WILL NOT FOLLOW

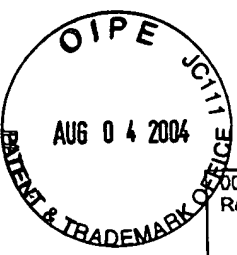
MESSAGE:**RESPONSE TO NOTICE OF MISSING PARTS**

Applicants: George Tachas, et al.
App. No.: 10/789,526
Filing Date: February 26, 2004
Title: Modulation of Growth Hormone Receptor Expression And Insulin-Like
Growth Factor Expression
Atty. Dkt. No. 23546-08072

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE OR THEIR DESIGNEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF THEY ARE NOT CLEAR,
PLEASE CALL Tracie Brooks AT (415) 875-2482 AS SOON AS POSSIBLE.



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| | | | |
|--|-----------------------|------------------------|---------------------------------------|
| TRANSMITTAL FORM <small>(to be used for all correspondence during pendency of filed application)</small> | Application Number | 10/789,526 | |
| | Filing Date | February 26, 2004 | |
| | First Named Inventor | George Tachas | |
| | Group Art Unit Number | 1651 | |
| | Examiner Name | Unassigned | |
| Total Number of Pages In This Submission | 12 | Attorney Docket Number | 23546-08072US (Client No: BIOL0002US) |

| ENCLOSURES (check all that apply) | |
|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Return Receipt Postcard | <input type="checkbox"/> Letter to Chief Draftsperson |
| <input checked="" type="checkbox"/> Response to Notice to File Missing Parts | <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] |
| <input type="checkbox"/> Assignment & Recordation Cover Sheet | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Declaration | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References | <input type="checkbox"/> Certified Copy of Priority Document(s) |
| <input type="checkbox"/> Request for Corrected Filing Receipt | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Request for Correction of Recorded Assignment | <input checked="" type="checkbox"/> Fax cover sheet |
| <input type="checkbox"/> Preliminary Amendment: [] Page(s) <input type="checkbox"/> After Final | <input type="checkbox"/> |
| <input type="checkbox"/> Status Request | <input type="checkbox"/> |
| <input type="checkbox"/> Revocation and Substitute Power of Attorney | <input type="checkbox"/> |
| REMARKS: | |

| SIGNATURE OF ATTORNEY OR AGENT | |
|--------------------------------|--------------------------------|
| Signature: | |
| Attorney/Reg. No.: | Susan T. Hubl, Reg. No. 47,668 |
| Dated: | August 4, 2004 |

| CERTIFICATE OF FACSIMILE TRANSMISSION | |
|--|----------------|
| I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below. | |
| Signature: | |
| Typed or Printed Name: | Susan T. Hubl |
| Dated: | August 4, 2004 |
| Facsimile Number: | 1-703-746-4060 |

23546/08072/SF/5122693.1

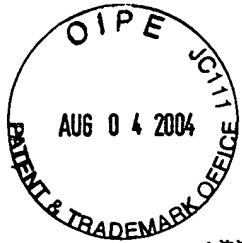


| | | | |
|---|--|--------------------------|-------------------|
| FEE TRANSMITTAL for FY 2004 Patent fees are subject to annual revision. | | <i>Complete if Known</i> | |
| | | Application Number | 10/789,526 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Filing Date | February 26, 2004 |
| TOTAL AMOUNT OF PAYMENT (\$) 550.00 | | First Named Inventor | George Tachas |
| | | Examiner Name | Unassigned |
| | | Art Unit | 1651 |
| | | Attorney Docket No. | 23546-08072 |

| | | | | | |
|---|-----------|------------------------------------|--------------|--|----------|
| METHOD OF PAYMENT (check all that apply) | | FEE CALCULATION (continued) | | | |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 19-2555 Deposit Account Name: Fenwick & West LLP The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. | | 3. ADDITIONAL FEES | | | |
| FEE CALCULATION | | | | | |
| 1. BASIC FILING FEE | | | | | |
| Large Entity Small Entity | | | | | |
| Fee | Fee | Fee | Fee | Fee Description | Fee Paid |
| Code (\$) | Code (\$) | | | | |
| 1001 770 | 2001 385 | | | Utility filing fee | |
| 1002 340 | 2002 170 | | | Design filing fee | |
| 1003 530 | 2003 265 | | | Plant filing fee | |
| 1004 770 | 2004 385 | | | Reissue filing fee | |
| 1005 160 | 2005 80 | | | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | | | |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | | | | | |
| Total Claims Extra Claims Fee from below Fee Paid | | | | | |
| Independent Claims | -20-- | x | | = | |
| Multiple Dependent | -3-- | x | | = | |
| Large Entity Small Entity | | | | | |
| Fee | Fee | Fee | Fee | Fee Description | |
| Code (\$) | Code (\$) | | | | |
| 1202 18 | 2202 9 | | | Claims in excess of 20 | |
| 1201 86 | 2201 43 | | | Independent claims in excess of 3 | |
| 1203 290 | 2203 145 | | | Multiple dependent claim, if not paid | |
| 1204 86 | 2204 43 | | | **Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | | | **Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) (\$) | | | | | |
| *or number previously paid, if greater. For Reissues, see above | | | | | |
| | | 3. ADDITIONAL FEES | | | |
| | | Large Entity | Small Entity | Fee Description | Fee Paid |
| | | Fee | Fee | | |
| | | Code (\$) | Code (\$) | | |
| | | 1051 130 | 2051 65 | Surcharge - late filing fee or oath | 130.00 |
| | | 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| | | 1053 130 | 1053 130 | Non-English specification | |
| | | 1812 2,520 | 1812 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| | | 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| | | 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| | | 1251 110 | 2251 55 | Extension for reply within first month | |
| | | 1252 420 | 2252 210 | Extension for reply within second month | 420.00 |
| | | 1253 950 | 2253 475 | Extension for reply within third month | |
| | | 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| | | 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| | | 1401 330 | 2401 165 | Notice of Appeal | |
| | | 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| | | 1403 290 | 2403 145 | Request for oral hearing | |
| | | 1451 1,510 | 1451 1,510 | Petition to Institute a public use proceeding | |
| | | 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| | | 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| | | 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| | | 1502 480 | 2502 240 | Design issue fee | |
| | | 1503 640 | 2503 320 | Plant issue fee | |
| | | 1460 130 | 1460 130 | Petitions to the Commissioner | |
| | | 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(g) | |
| | | 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| | | 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| | | 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| | | 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| | | 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| | | 1802 900 | 1802 900 | Request for expedited examination of a design application | |
| | | Other fee (specify) _____ | | | |
| SUBTOTAL (3) (\$) 550.00 | | | | | |
| *Reduced by Basic Filing Fee Paid | | | | | |

| | | | |
|---------------------|--------------------|-----------------------------------|----------------|
| SUBMITTED BY | | <i>Complete (if applicable)</i> | |
| Name (Print/Type) | Susan T. Hubl | Registration No. (Attorney/Agent) | 47,668 |
| Signature | <i>[Signature]</i> | Telephone (415) 875-2316 | |
| | | Date | August 4, 2004 |

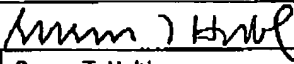
PATENT



IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT(S): George Tachas, et al.
APPLICATION NO.: 10/789,526
FILING DATE: February 26, 2004
TITLE: Modulation of Growth Hormone Receptor Expression and Insulin-Like Growth Factor Expression
EXAMINER: Unassigned
GROUP ART UNIT: 1651
ATTY. DKT. NO.: 23546-08072 (BIOL0002US)

| CERTIFICATE OF FACSIMILE TRANSMISSION | | | |
|--|--|--------|----------------|
| I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below. | | | |
| Signature: |  | | |
| Typed or Printed Name: | Susan T. Hubl | Dated: | August 4, 2004 |
| Facsimile Number: | 1-703-746-4060 | | |

MAIL STOP MISSING PARTS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION

SIR:

Responsive to the Notice to File Missing Parts dated April 13, 2004 received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ a signed Declaration;

23546/08072/SF/5126027.11

PATENT

- ☒ payment in the amount of \$ 550 for the
 - ☒ missing parts surcharge
 - ☒ Extension for reply within second month.

Respectfully submitted,
GEORGE TACHAS, ET AL.

Dated: 8/4/04

By: *Susan Hubl*
Susan Hubl, Patent Agent, Reg. No.: 47,668
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UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/789,526 | 02/26/2004 | George Tachas | 23546-08072 |

35807
FENWICK & WEST LLP
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94014

Fenwick & West

APR 16 2004

Received

CONFIRMATION NO. 9932

FORMALITIES LETTER

OC000000012343636

Date Mailed: 04/13/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

08/06/2004 CNGUYEN 00000004 192555 10789526

01 FC:1051 130.00 DA